PETITION FOR ZONING VARIANCE SE/S Old Harford Road, 93' SW of Linganore Avenue (7609 Old Harford Road) 9th Election District

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 92-20-A

6th Councilmanic District June Stolins, et al Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 304 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Although the relief requested comes before this Zoning Commissioner under a Petition for Zoning Variance, the Petitioners actually seek an interpretation of Section 304 of the B.C.Z.R., or, in the alternative, a variance from Section 1B02.3.C.1 of the B.C.Z.R. Thus, the matter will be treated as a Petition for Special Hearing for an interpretation of Section 304, and, if required, consideration will then be given to the requested variance.

The Petitioners, June E. Stolins, Phillis B. Bredehoeft and Louise J. Anderson, appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was John Etzel, Registered Land Surveyor. Appearing as Protestants in the matter were William H. Storm, IV and E. F. Schneider, Jr., adjoining property owners.

Testimony established that the subject property, known as 7609 Old Harford Road, is 6,950 sq.ft. in area and is zoned D.R. 5.5. The property is presently unimproved. Said property is also known as Lots 55 and 56 of the Linganore subdivision. This subdivision is quite old and

#16

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-20-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 304 & 1802.3.c.1 to permit a lot width of 50 feet in lieu of the required 55 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. All lots in subdivision and area 50 feet wide and 99% of them

already developed: 2. Size and shape of lot: 3. Such other and further reasons to be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare an under the penalties of perjury, are the legal owner(s) of the which is the subject of this Pelitics	property
Contract Purchaser:	Legal Owner(s):	P <u>NE 70</u>
	June Stolins (Type or Print Name)	0.
(Type or Print Name)		Us 7:21.92
Signature	Signature 200	- FIF
	Phyllis Bredehoeft (Type or Print Name)	0
Address	Thele Dride Me	<u> </u>
City and State	Signature (
Attorney for Petitioner:	(Type or Print Name	sord
S. Eric DiNenna (Type or Print Name)	Address Signature C/o 12421 Long Green P	Αγολέχηο. i ke
Signature	City and State	
409 Washington Ave., #600	Name, address and phone number of legative tract purchaser or representative to be	al owner, con- contacted
Towson, MD 21204	S. Eric DiNenna	
City and State	409 Washington Avenue, #	600 .296-6820
Attorney's Telephone No.: 296-6820	Towson, MD _21204Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning county of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ o'clock

ARREST MECHAGO MORIFILM COUNTY.

the plat for same shows that when the community was created, most lots were given widths of 25 feet. Testimony indicated that the Petitioners, who are sisters, acquired the subject property in 1986 from their mother, Beatrice J. Singer, who originally held title with Petitioners' father, George P. Singer. According to the exhibits submitted, the Petitioners' parents acquired Lots 53, 54, 55 and 56 of Linganore in 1948. Of particular note is that the deed evidencing this conveyance specifically identifies two parcels; one comprised of Lots 53 and 54, and the other comprising Lots 55 and 56. Both parcels were subsequently conveyed to the Petitioners in June 1986 by deed again identifying the four lots as two individual parcels. In 1989, the Petitioners conveyed the parcel comprised of Lots 53 and 54 to Edward F. Schneider, Jr. and his wife. Said parcel is improved with a dwelling and is presently occupied by Mr. Schneider. The other parcel containing Lots 55 and 56 was retained by Petitioners who wish to develop the property with a single family dwelling.

At the hearing, Petitioners' attorney argued that the Petitioners do not need a variance to construct a single family dwelling pursuant to the provisions of Section 304 of the B.C.Z.R. In essence, this Section permits development on undersized lots when the lot was duly recorded prior to the adoption of the zoning regulations in 1955, provided that all other height and area regulations are complied with and the property owner does not own sufficient adjoining land to conform substantially to the requirements.

Although the Petitioners would appear to comply with that Section and therefore not need the requested variance, the history of the ownership of the entire parcel must be considered. It has been the adopted policy of this office to apply what is known as "the six year rule" to determine

- 2-

whether a property is subject to development under the purview of Section 304 of the B.C.Z.R. This policy provides that development cannot be permitted under Section 304 when the Petitioner has owned sufficient adjoining land but has sold same within six (6) years of the date of the Petition. When applying that rule to the facts in this case, it is clear that the Petitioners are not entitled to the relief requested under Section 304 of the B.C.Z.R. inasmuch as the Petitioners sold Lots 53 and 54 to Mr. & Mrs. Schneider in 1989, well within the time frame provided.

Having addressed that issue, consideration must be given to the Petition for Zoning Variance, pursuant to Section 1B02.3.C.1 of the B.C.Z.R. which requires that a lot in a D.R. 5.5 zone must have a width of 55 feet. The testimony presented established that the subject property is 50 feet wide. Testimony indicated that the Petitioners would suffer practical difficulty and unreasonable hardship if the variance were denied in that the lot would be unbuildable. Further, it is noted that the building envelope shown on Petitioner's Exhibit 1 is oriented so that no additional variances to setback requirements are necessary; that is, the front, rear and side yards are of sufficient depth to comply with the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, in the opinion of this Zoning Commissioner, it appears that the variance requested from Section 1802.3.C.1 of the B.C.Z.R. should be granted. It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October, 1991 that the Petition for Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) When applying for a building permit, the site plan filed must reference this case.

Zoning Commissioner for Baltimore County

Petition Regarding Zoning Changes

We, the undersigned, petition the Baltimore County Zoning Board to deny unconditionally the application of Louise J. Anderson, Phillis B. Bredehoeft & June E. Stolins to have a 50' lot width in lieu of the required 55'. We also wish to proptect the trees now standing on the lot between 7611 & 7603 Old Harford road Baltimore, Maryland 21234..

Name_	Residence	Town	Date Signed
Man R McDonord	7610 Cld Hartold I	RD BAHO. MD. 2123.	4 10-10-91
James M. M. Y.) ono	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Glenn E Serum	2	• • •	10-10-91
William H. Storm			
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Glorge W. Char	1 7/ 14 Chal XI	Jack PI Bull	EVI821234101
John H. Colde	- 7/14/VIX	De d Par Hat	t MARIBUN
Sunge W. Corpe	71 00 May 100	ad Rosa Bold	~ 1000 1173/11/11
Manayo) Laglu	760acio Nor)/ / 1/ B /	201 200000
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Characta Mil	hum 7601 Old At	a fard Ra Day	10 Md 2123410/
Moude W Mill	run 7601 Old Harls	nd Rd. Balto. 4	
Cott Mille	7601 Old Harfor	1 Rd. Balto. 7	Md. 21234 10/10
We certify that the a	bove persons signed this pet	ition and wrote the abo	ove information in
our presence.			c ~
Date: Oct 10	1991	William H	Hom U
The 18th of the 18	the latter to the latter of th	(Signed)	

STANTS EXERIT WILL

Barbara & Schreider

AREA WINDOW (3'XX3') 573 FRAME NOTE:

1) BEING LOT 56 & 57, AS STOWN ON PLAT OF OAK

CHEST" RECORDED IN BALTO, CO. IN PLAT BOOK NO. 6-172.

2) THIS PROPERTY LIES IN ZONE C SAREA OF

NOINIMAL FLOODING) AS SHOWN ON FIRM MAP

NO. 240010 0410 B, DATED MARCH 2, 1981. LOCATION SURVEY 7603 OLD HARFORD ROAD BALTIMORE COUNTY, MD. SSIV I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and thut they are located as shown. This plat is not intended for use in establishing property lines. 90-0917 61780 V.K. TRD 1"=30" 1226-90 90982
APPLICATION NO. TITLE CO. DRAWN BY CHIECK BY SCALE DATE JOB NO.

PAUL G. DOLLENBERG FRED H. DOLLENBERG CARL L. GERHOLD

June 3, 1991

92-20-A

ZONING DESCRIPTION

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors

412 DELAWARE AVENUE

TOWSON, MARYLAND 21204

823-4470

John F. Etzel

WILLIAM G. ULRICH

GORDON T. LANGDON

DAVID E. RANSONE

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the southeast side of Old Harford Road distant southwesterly 93 feet $4\frac{1}{2}$ inches from the corner formed by the intersection of the southeast side of Old Harford Road with the southwest side of Linganore Avenue and thence binding on the southeast side of Old Harford Road southwesterly 50 feet and thence leaving said road and binding on the lot lines of the Petitioners herein the three following lines viz: southeasterly 138 feet more or less, northeasterly 50 feet and northwesterly 140 feet more or less to the place of beginning.

Being Lots Nos. 55 and 56 as shown on the plat of Linganore and also as shown on a plat filed with the Zoning Department.



STATE TAX MANAGEMENT OF THE PARTY TAX MANAGEMENT OF THE PA

This Deed, Made this _____ 27 ______ day of _____ Of the year one thousand nine hundred and forty-eight ____ by and between GEORGE J.

SENGER, JR. and BLIZABETH SENGER, his wife, _____ in the State of Maryland, of the first part, and GEORGE P. SENGER and BEATRICE J. SENGER, his wife, of said County and State, of the second part.

Witnesseth, that in consideration of the sum of five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, -----

the said George J. Senger, Jr. and Elizabeth Senger, his wife, -----

do grant and convey unto the said George P. Senger and Beatrice J. Senger, his wife, their assigns, the survivor of them, and the heirs and assigns of such survivor, as tenants by the entireties, ______ of ground, situate, lying and being in

Baltimore County ----- , aforesaid, and described as follows, that is to say:-

Road at a point distant forty-three feet four and one-half inches south-westerly from Linganore Avenue, which point is intended to be on the line between Lot Number Fifty-two (52) and Lot Number Fifty-three (53) as shown on said plat; thence southeasterly, along said line, one hundred forty feet, more or less, to the northwesternmost line of Lot Number Fifty-seven (57) as shown on said plat; thence southwesterly along the northwesternmost line of said Lot Number Fifty-seven (57) fifty feet, more or less, to the line between Lot Number Fifty-four (54) and Lot Number Fifty-five (55) as shown on said plat; thence northwesterly along said last mentioned line one hundred forty feet, more or less, to the southeast side of the Old Harford Road, and thence northeasterly along the southeast side of the Old Harford Road, fifty feet, to the place of beginning. Being Lots Nos. 53 and 54 on Plat of Lingahore.

BEING the same lot or parcel of ground which by Deed dated February 6, 1929, and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 312, folio 175, was granted and conveyed by Emanuel O. Bregel and Lottie H. Bregel, his wife, to the said grantors herein.

BEGINEING for the second thereof on the southeast side of the Old Harford Road at a point distant ninety-three feet four and one-half inches southwesterly from Linganore Avenue, which point is intended to be on the line between Lot Number Fifty-four (54) and Lot Number Fifty-five (55) as shown on said plat; thence southeasterly along said line and bounding on Lot Number Fifty-four one hundred forty feet, more or less, to the northwesternmost line of Lot Number Fifty-seven (57) as shown on said plat; thence southwesterly along the northwesternmost line of said Lot Number Fifty-seven (57) fifty feet, more or less, to the westernmost line of Lot Number Fifty-six (56) as shown on said plat; thence northwesterly along said line last mentioned, one hundred forty feet, more or less, to the southeast side of the Old Harford Road, and thence northeasterly along the southeast side of the Old Harford Road fifty feet, more or less, to the place of beginning. Being Lots Nos. 55 and 56 on Plat of Linganore filed among the Land Records of Baltimore City in Plat Book No. 7, folio 28.

PETITIONER'S

EXHIBIT

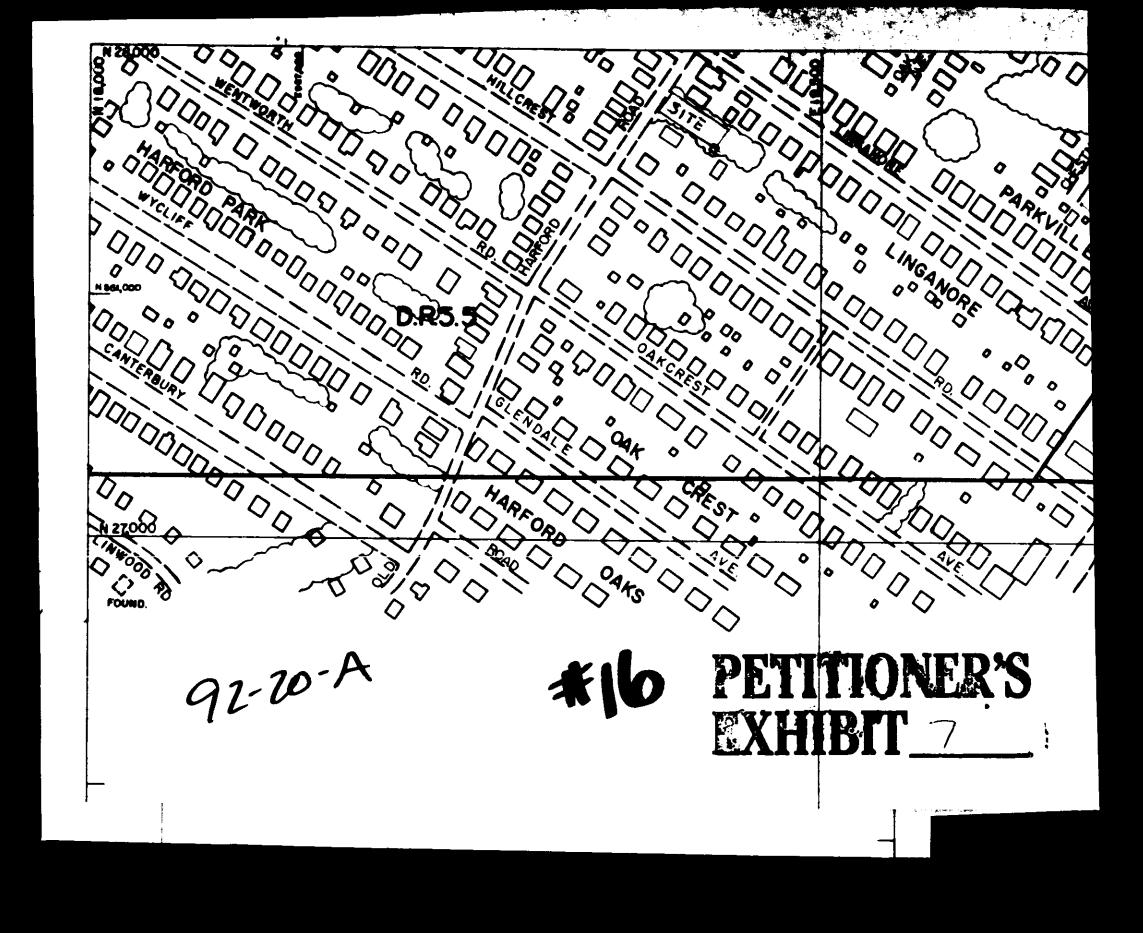
DA-19-270500 10 3 BREDERSON LOUISE J BREDERSON LOUISE J FLIL OLD HARFORD RD BALTIMORE HAD ZLZZU LINGANORE CLD HARFORD RD OFFICE OF FINANCE TOWSON TOWSON MD 21204 LIDEN 1202 FOLIOO 65 DEED - PPE BIMPLE - INDIVIDUAL GRANTOR - LONG FORM eighty-six by and between V BEATRICE J. SENGER of the first part, and LOUISE J. ANDERSON, PHILLIS B. BREDEHOEFT and JUNE ELIZABETH STOLINS of the second part. WITHESSETH, That in consideration of the sum of Thirty-Five Thousand Dollars-----(635,000.00), receipt of which is hereby acknowledged DROFF ILOU-D 1 1X - 175.00 the said BEATRICE J. SENGER # DUCS 175.00 ENK JR 1 3M. ÒÒ #25773 COO2 RO2 110128 07/07/84 grant and convey to the said LOUISE J. ANDERSON, PHILLIS B. BREDEHOEFT and JUNE ELIZABETH STOLINS, as tenants in common, their ------, in fee simple, all personal representatives/xucxecootx and assigns of ground situate in Baltimore County, State of Maryland and described as follows, that is to say: BEING KNOWN AND DESIGNATED as Lots Nos 53 54, 55 and 56 as shown on the Plat entitled "Plat of Linganore" which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 7 folio 28. The improvements thereon being known as 7611 Old Harford Road. BEING the same four lots of ground which by Deed dated October 27, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1704 folio 462 were granted and conveyed by George J. Senger, Jr. and wife to George P. Senger and Beatrice J. Senger his wife as Tenants by the Entiraties. The said George P. Senger died on September 19, 1975, thereby leaving title vested in Beatrice J. Senger by right of survivorship. STATE DEPARTMENT OF

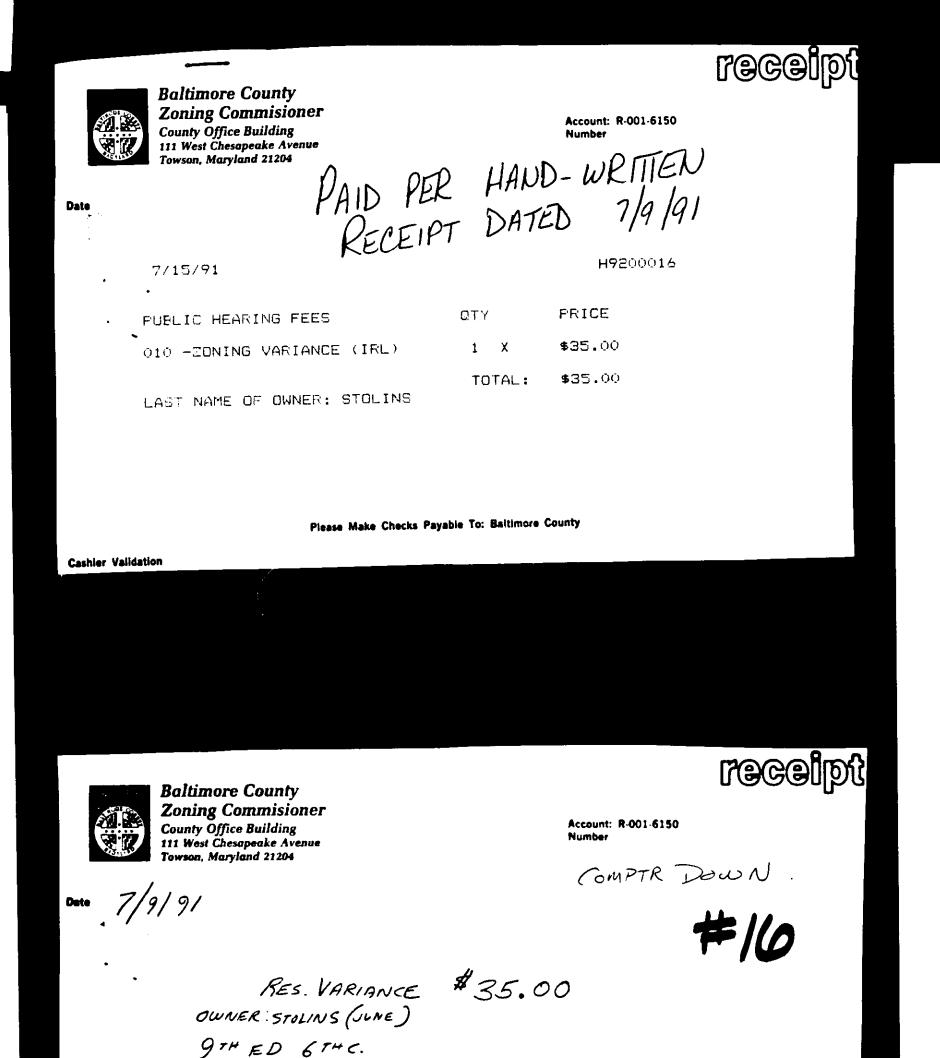
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SESSMENT 27.620 27.620 CHARGE

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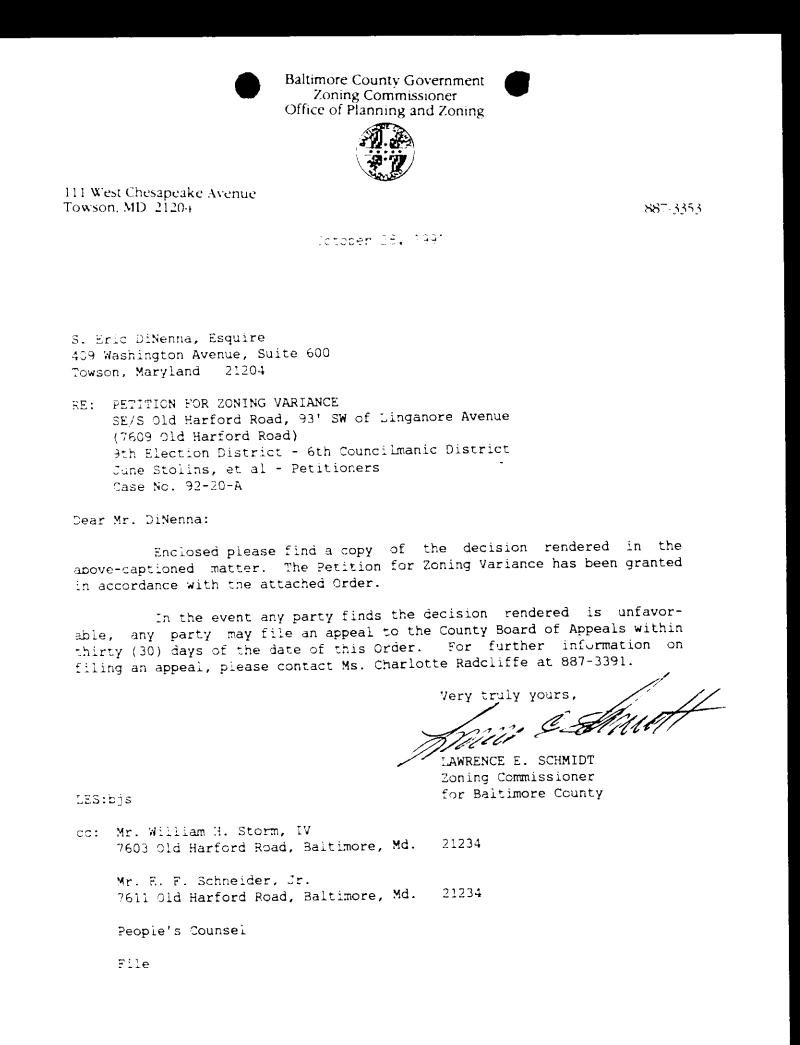
04404#00076#30HRC

Please Make Checks Payable To: Baltimore County/11 t 914M07-04-91

SE SIDE OLD HARFORD RD

93 FT. S. OF LINGANORE AVE

7609 OLD HARFORD RD.



8873333

RE: Item No. 16, Case No. 92-20-A Fetitioner: June Stolins, et ux Petition for Zoning Variance

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Ms. Jun Stelins 12021 Long Green Pike Glen Arm, htt 21057

Citizen Caronny Administration and this of graced Managerouse Cotton of Paring & Zerman II West Chesita on Are Lower Min 2 2 a

> Your petition has been received and accepted for filing this 24th day of July, 1991.

Billimore County Government

Petitioner: June Stolins, et al Petitioner's Attorney: S. Eric DiNenna

Baltimore County Government Fire Department

700 Fast Joppa Road, Suite 901 Towson, MD, 2120+5500

JULY 24, 1991

J. Pobert Haines Zoning Commissioner Office of Planning and Zoning Paltimore County Office Building

Towson, MD 21204

JUNE STOLINS AND PHILLIS BREDEHOFFT
AND LOUISE ANDERSON PF: Property Owner:

Location:

#7609 OLD HARFORD ROAD Zoning Agenda: JULY 23, 1991

Item No.: 16

(301) 887 (500

Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cat. Local Kelly 7-34-41 Approved Fire Prevention Eureau Special Inspection Division

PALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for July 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 12, 14, 15 and 16.

For Item 13, the previous minor subdivision comments are applicable.

> FORERT W. BOWLING, F.E., Chief - Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 25, 1991

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: June Stolins, Item No. 16

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property? 2. Are adequate front, side and rear yard setbacks being

provided on the site? 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject

- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

PETITIONER(S) SIGN-IN SHEET

ADDRESS

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM16/ZAC1

PLEASE PRINT CLEARLY

Reid 1/31/91

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili SUBJECT: Z. A. C. comments

This office has no comments for item numbers 11, 12,

13, 14 and 16.

Z. A. C. MEETING DATE: July 23, 1991

RJF:bza

CERTIFICATE OF POSTING
ZONNIG DEPARTMENT OF BALTIMORE COUNT
Yerman Mandand

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NOT	NOTICE OF HEARING
enue in T	the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building 100
Case SE/SI SW 0 7600	Case Number 92-20-A SE'S Old Hartord Road, 93 SW of Linganore Avenue 7609 Old Hartord Road
9th f 6th f Petif Ju	9th Election District 6th Councilmanic Patitioner(s) June Stolins Phillis Bredehoeft &

Louise Anderson Hearing Date: Tuesday October 15, 1991 at 9.00 a.m.

Zoning Commissioner of Baltimore County

Variance: to permit a lot width of 50 ft. of 50 ft in lieu of the required 55

4 J 8 28 N J 8 286 August 22

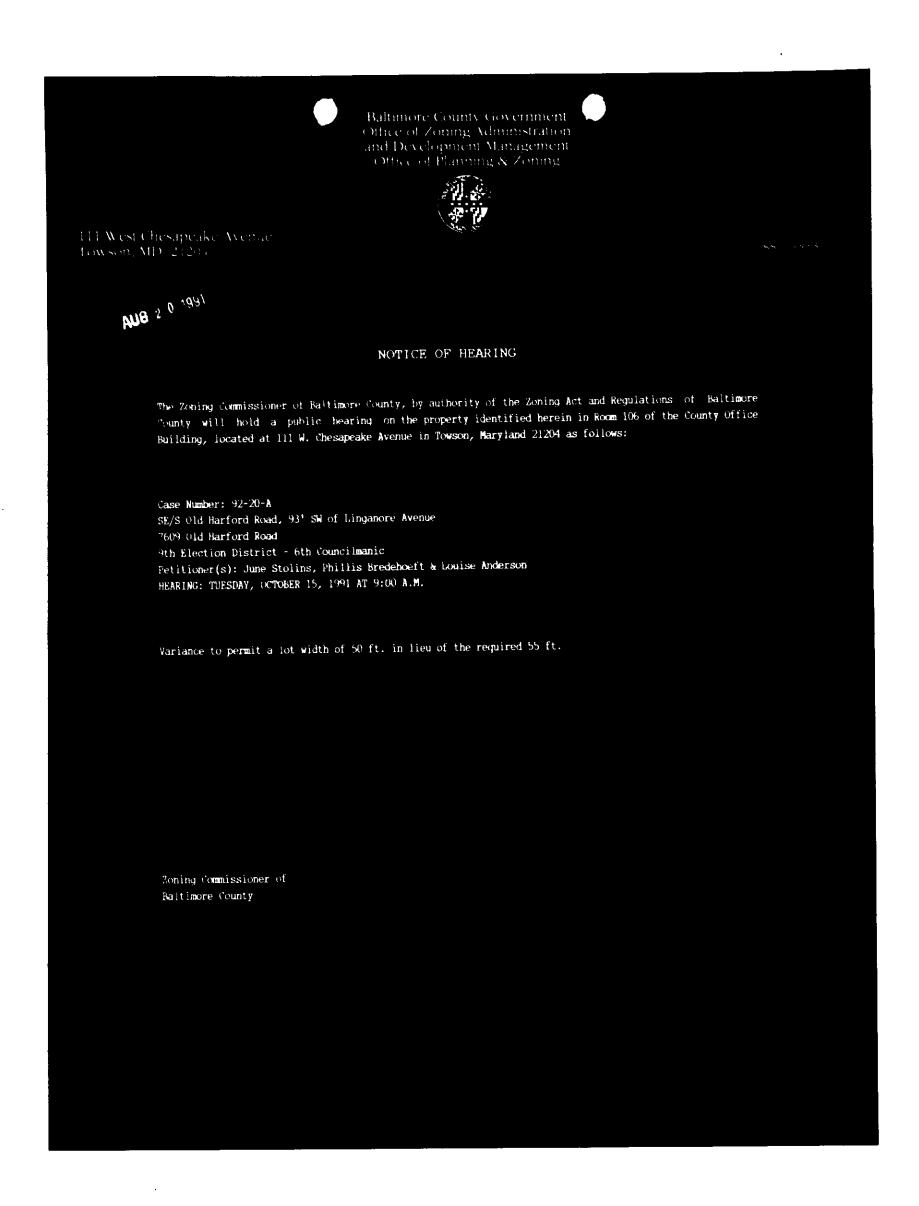
CERTIFICATE OF PUBLICATION

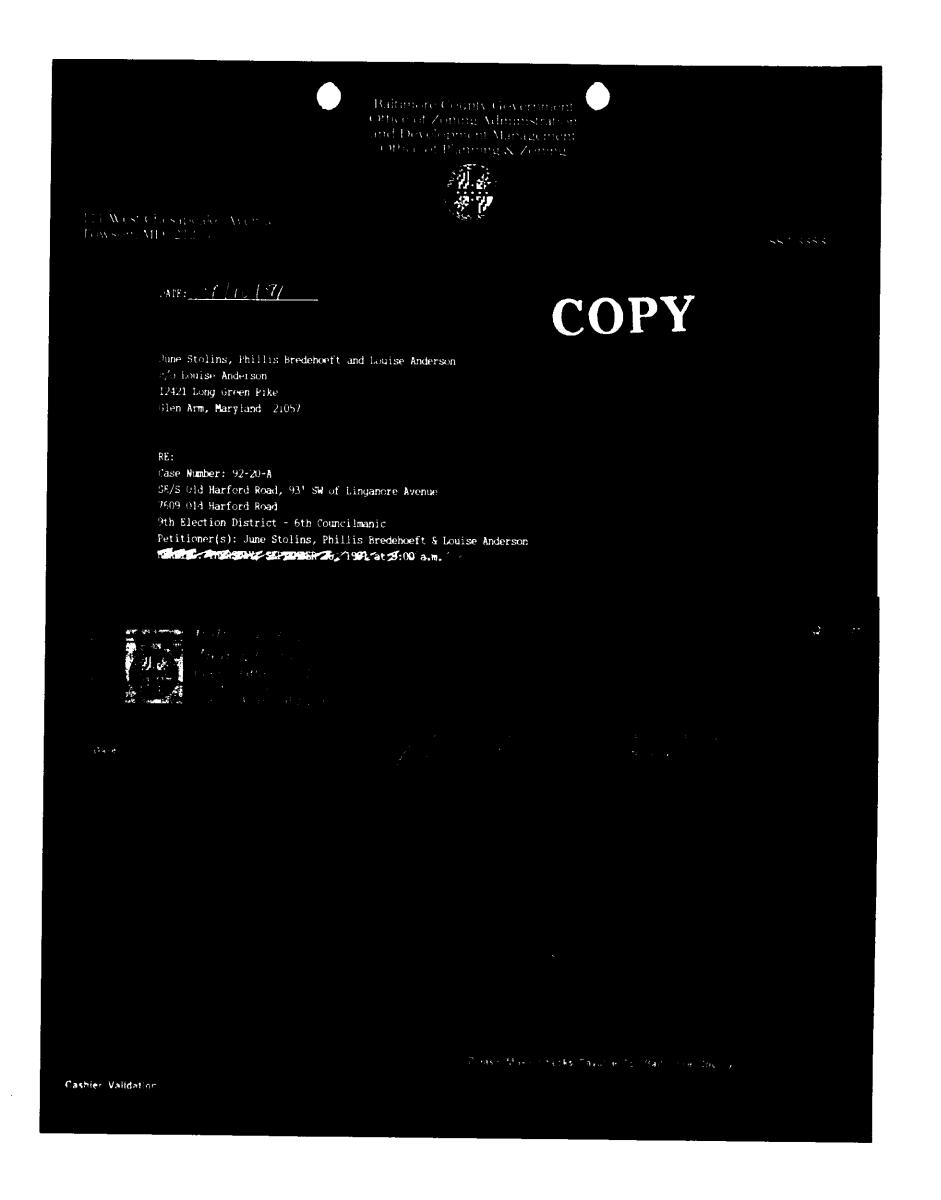
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each ot, / successive weeks, the first publication appearing

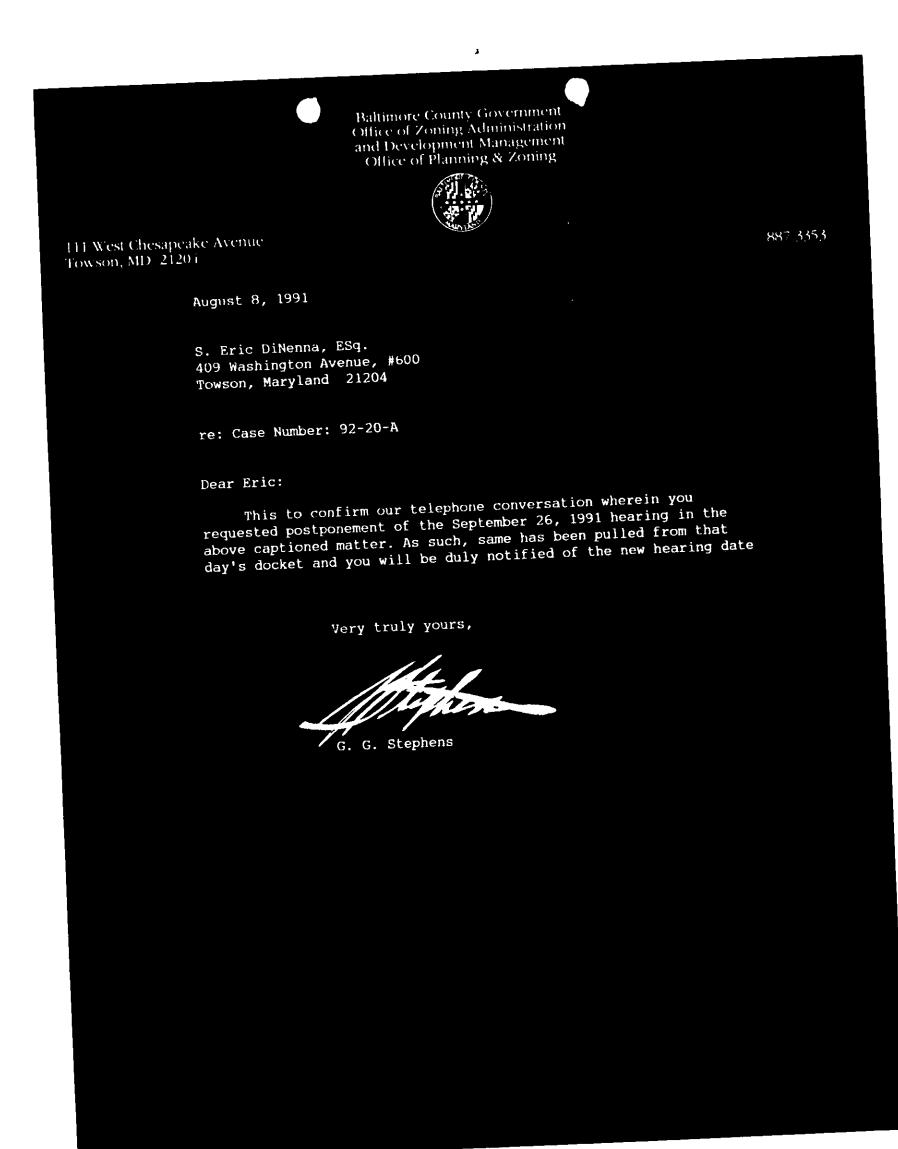
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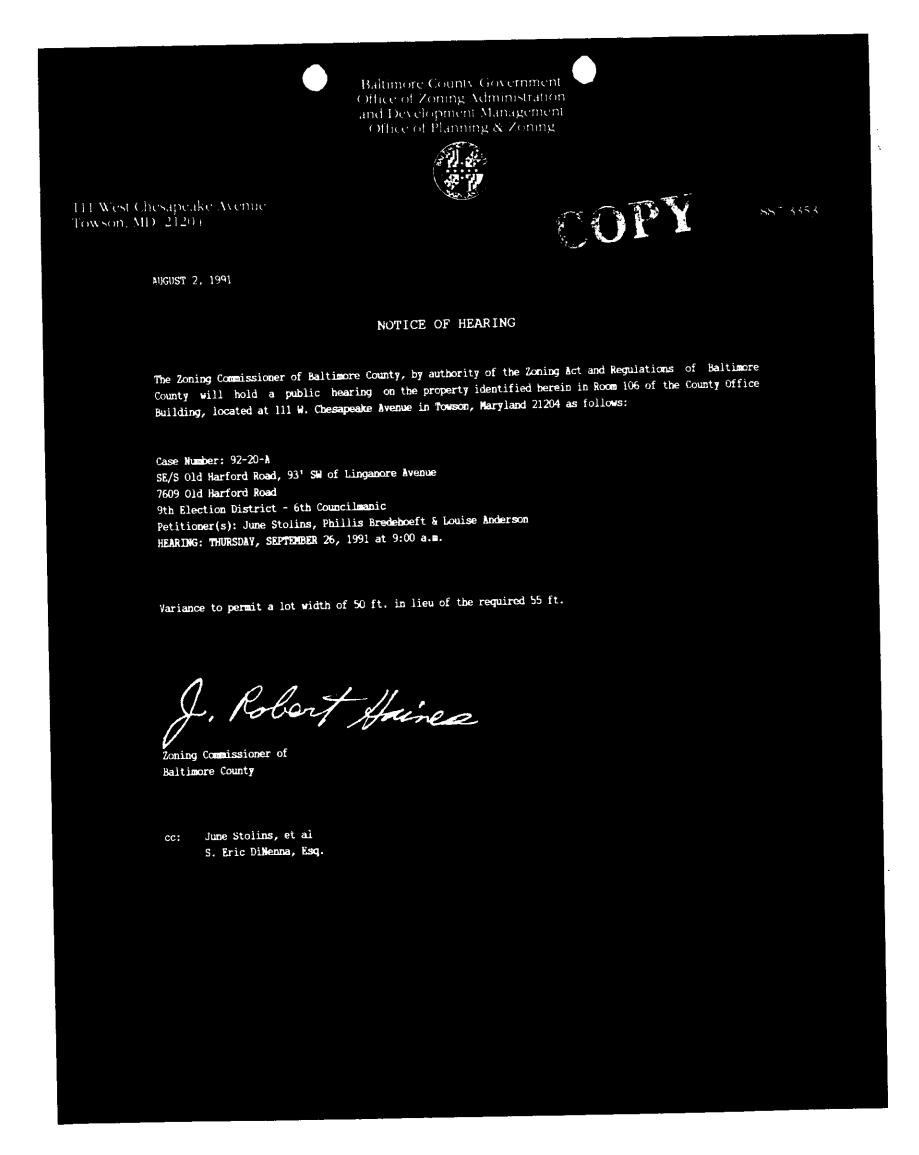
5. Zete Orlina

THEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET William H. Storm 7603 Cla Herford Ret 21234 E T. Schneider Jr 7611 Eld Hasterd Kd x1231









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